

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
October 17, 2007

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., October 17, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2; Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Ross Tate, Maricopa County Auditor, delivered the invocation.

PLEDGE OF ALLEGIANCE

Lupe Lerma, Assistant Deputy Clerk, Clerk of the Board's Office, led the assemblage in the Pledge of Allegiance.

CHAIRMAN'S PREROGATIVE

Chairman Brock surprised Supervisor Kunasek and his Chief of Staff Jim Bloom by presenting them their 10-year service pins. Supervisor Kunasek was appointed to the Board in 1997 from District 3 to fill the unexpired term of Supervisor Betsey Bayless. Jim Bloom has actually been with the County longer than 10 years having worked for several elected officials over the years before moving to the District 3 office with Supervisor Kunasek.

PRESENTATION

1. Chairman Brock presented awards to Sheriff's Office employees: Thelda Williams, Division Commander, Custody Support Division, and Judy Lorch, Administrator, Substance Abuse Programs, for their outstanding work and dedication to the success of the ALPHA program in rehabilitating prisoners who wish to change the course of their lives. Ms. Williams has just been elected to the Phoenix City Council and both ladies will retire from their work at the County. (ADM650)

Chairman Brock said that Thelda Williams founded the ALPHA Program and Judy Lorch has worked on it with her since the beginning. Both women have invested years of their lives and a great deal of dedication and caring for those prisoners who have signed up, stayed the course and graduated from ALPHA.

Chairman Brock said ALPHA is a critical component in the County's fight against crime and drug use since this program educates prisoners seeking information on how to turn their lives around. Several ALPHA graduates have gone on to graduate from college. The ALPHA program is also credited with reducing recidivism. The recidivism of those graduating from ALPHA is only 12-14% as compared with the national recidivism average of 60-70%. The Maricopa County ALPHA Program has graduated more than 3,300 people and its success far exceeds any other similar program in the country.

All the Supervisors expressed their thanks and appreciation to both women as they now change the course of their lives, and several also expressed encouragement at the idea of having

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someone who knows the County so well becoming a member of the Phoenix City Council. All voiced the hope that this would further strengthen the working relationship between these two governments.

STATUTORY HEARINGS

Clerk of the Board

2. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Brock called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications subject to receipt of tenant improvement permits and certificates of occupancy for both establishments:

- a. Application filed by Daniel Joseph Mendelson for a New Series 12 Liquor License: (MCLL6241) (AZ#12077266)

Business Name: Scorz Sports Grill
Location: 5110 N. Dysart Road Suite B160, Litchfield Park, 85340
(This item was continued from the October 1, 2007 meeting)

- b. Application filed by Kurt Danon Law Jr. for a New Series 12 Liquor License: (MCLL6243) (AZ#12077291)

Business Name: Joe/Jo's Restaurant and Lounge
Location: 10262 E. Apache Trail, Apache Junction 85220

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

Transportation

3. ROAD FILE DECLARATIONS – ROAD FILE NO. 5363

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. 5363)**

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WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Anthem Pulte Unit No. 25, s subdivision as shown in Book 586 of Maps, Page 23, M.C.R.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 17th day of October 2007. (C6408043000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ROAD FILE DECLARATIONS – ROAD FILE NO. 5364

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the

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Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. 5364)**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Anthem Pulte Unit No. 39, s subdivision as shown in Book 584 of Maps, Page 48, M.C.R.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 17th day of October 2007. (C6408042000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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ROAD FILE DECLARATIONS – ROAD FILE NO. 5365

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. 5365)**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Capistrano North and South, a subdivision as shown in Book 725 of Maps, Page 37 North, Book 725 of Maps, Page 36 South M.C.R.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner

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required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 17th day of October 2007. (C6408041000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ROAD FILE DECLARATIONS – ROAD FILE NO. 5366

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. 5366)**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Wigwam Creek North Phase 2B, a subdivision as shown in Book 630 of Maps, Page 17, M.C.R.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

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BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 17th day of October 2007. (C6408040000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ROAD FILE DECLARATIONS – ROAD FILE NO. 5367

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. 5367)**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Wigwam Creek North Phase 2, a subdivision as shown in Book 623 of Maps, Page 10, M.C.R.

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 17th day of October 2007. (C6408039000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Air Quality

4. PUBLIC HEARING – REVISIONS TO THE MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

Pursuant to A.R.S. §49-479(b), Chairman Brock convened the scheduled public hearing to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 322 (Power Plant Operations), Rule 323 (Fuel Burning Equipment. From Industrial Commercial Institutional Sources), and Rule 324 (Stationary Internal Combustion Engines), and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP). Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 322, 323, and 324 and submitted the revised rules as a revision to the (Arizona) State Implementation Plan (SIP). (Revised Rules are on file in the Clerk of the Board's Office.) (C8508003700) (ADM2354)

EXECUTIVE SUMMARIES

Rule 322 - Power Plant Operations

Rule 322 regulates existing combustion equipment at power plants where construction of these units commenced prior to May 1996. The rule applies to electric utility steam generating units and co-generation units that have a heat input of equal to or greater than 100 MM Btu/hour and stationary turbines with a heat input at peak load of equal to or greater than 10 MM Btu/hour. Another condition of applicability is that these units also supply more than 1/3 of their potential electric output capacity to a power distribution system for sale. This rule was passed in 2003, but there were some minor administrative errors in the rule such as use of the term "heat input" incorrectly in Subsection 301.1, some incorrect section references and incorrect use of the term"#" listed in Section 504 before each ASTM method. The County is also deleting entire

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subsections whose compliance dates have already passed, deleting the definition for nitrogen oxide because the definition has been added to Rule 100, and updating Section 500 (Test Methods) to reflect new language. EPA then reviewed the proposed amendments to the rule and recommended that the County separate Method 202 from Method 5 (particulate matter testing) and clarify language used in Subsection 304.3 regarding nitrogen oxide testing. A final version will be distributed per normal procedures once approved.

Rule 323 - Fuel Burning Equipment From Industrial/Commercial/Institutional Sources

Rule 323 addresses fuel burning equipment at industrial / commercial/ institutional sources which include boilers, cogeneration units, indirect-fired process heaters with a heat input of greater than 10 MM Btu/hour and stationary gas turbines with a heat input at peak load greater than 2.9 megawatts. This rule was passed in 2003, but there were some minor administrative errors in the rule such as use of the term "heat input" incorrectly in Subsection 301.1, some incorrect section references and incorrect use of the term "#" listed in Section 504 before each ASTM method. The County is deleting entire subsections whose compliance dates have already passed, deleting the definition for nitrogen oxide because the definition has been added to Rule 100, and updating Section 500 (Test Methods) to reflect new language. EPA then reviewed the proposed amendments to the rule and recommended that the County separate Method 202 from Method 5 (particulate matter testing), clarify language used in Subsection 304.1 regarding nitrogen oxide testing, and remove the exemption for agriculture. A final version will be distributed per normal procedures once approved.

Rule 324- Stationary Internal Combustion Engines

Rule 324 regulates single stationary internal combustion engines that are greater than 250 bhp or a combination of IC engines that each have a rated brake horsepower of greater than 50 bhp whose maximum aggregate rated brake horsepower is greater than 250 bhp. This rule was passed in 2003, but there were some minor administrative errors in the rule and some incorrect section references. This is originally why the county decided to amend the rule. The county is also deleting entire subsections whose compliance dates have already passed, removing the definition for nitrogen oxide because the definition has been added to Rule 100, and updating Section 500 (Test Methods) to reflect new language. EPA then reviewed the proposed amendments to the rule and recommended that the County separate Method 202 from Method 5 (particulate matter testing), remove the exemption for agriculture, add a limit on the amount of hours (500 hours) that an emergency engine may be used and amend subsection 502.4 to state that monthly records shall be used and not just annual records. EPA also recommended the use of non-resettable, tamperproof hourly meters on all emergency generators so that the source and the County could verify the hours of usage. A final version will be distributed per normal procedures once approved.

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

County Attorney

5. RETROACTIVE SALARY ADVANCEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

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- a. A retroactive Salary Advancement for Gayle Chavez and Andrew Zidarich, whose positions were studied with the Legal Support Market Study (June 2007). Following implementation of this study, the County Attorney's Office requested a second review of job descriptions for these employees, disagreeing with the initial classification as administrative positions. In August, 2007, the Office of Management and Budget Employee Compensation Division informed the County Attorney's Office that these positions would be reclassified as Legal Support Specialist and Legal Support Supervisor and that the corresponding market adjustments could be processed effective July 30, 2007. The County Attorney's Office is requesting approval to process these adjustments with the same retroactive effective date as the rest of the positions in this study June 4, 2007. (C1908025600) (ADM3308)
- b. A retroactive Salary Advancement for Ellie Vasquez, who received an evaluation in FY 2008-07 that made her ineligible for a market increase following the Admin Phase I Market Study (October 2006). The employee has since improved her performance and received a score making her eligible for salary advancements. The Maricopa County Attorney's Office is requesting approval to process a market increase for this employee effective May 7, 2007, the first pay period following her recent evaluation. (C1908026600) (ADM3308)

Sheriff

6. WAIVER TO LEAVE PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a waiver to the Maricopa County Employee Leave Plan V & VI, for Deputy John P. Davison, S1038, beginning September 12, 2007, for a period of up to six months. Deputy Davison was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own while serving in the line of duty on November 10, 2005. The Board approved a waiver to the Leave Plan in April 2006 that was not used since Deputy Davison returned to work on modified duty after his surgery until May 18, 2006.

Deputy Davison continues to experience issues directly related to the original injuries and additional surgery is required. If approved, Deputy Davison will receive his regular compensation during the medically authorized recovery period of up to six months. (C5006052M01) (ADM3320-001)

7. SOLE SOURCE CONTRACT WITH E-APPLICATION SOLUTIONS GROUP, INC. (E-ASG)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the sole source contract, contingent on review and approval by Civil Division, valued at \$88,000 with e-Application Solutions Group, Inc. (e-ASG) for migration of Jail Management System (JMS) modules from the proprietary BULL mainframe environment to the convergent architecture IBM AIX platform. This contract provides for conversion of the Civil and Security Modules. E-ASG is the only vendor in the U.S. that has successfully accomplished similar conversions. This is a one time-cost for module conversion, which also serves as the critical pilot project that will validate the approach for full migration from the BULL mainframe. The Sheriff's Office will maintain the modules in-house after the conversion is complete. (C5008021M00)

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8. DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of a donation for \$4,000 to the Sheriff's Office from Maricopa County Sheriff's Advisory Posse for police training relating to the Honduras Sister City project. (C5008022M00) (ADM3900-006)

JUDICIAL BRANCH

Juvenile Probation

9. APPROPRIATION ADJUSTMENT FOR JUVENILE PROBATION

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer expenditure appropriation in the amount of \$15,000 from Non-Departmental (471) Non-Departmental Grant Fund (Fund 249) reserved contingency for Potential Fee Increases to the Juvenile Probation (270) Juvenile Restitution Fund (Fund 229). Approval of this action will increase budgeted expenditures consistent with budgeted revenue, which will allow the department sufficient budget authority to process payments to victims. This adjustment is needed in order to budget the projected revenues which will be received FY 20007-08. (C2708003800) (ADM1400-003)

10. RESOLUTION REGARDING THE DESIGNATION OF A CHIEF FISCAL OFFICER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a resolution of the Board of Supervisors regarding the designation of a Chief Fiscal Officer for the Juvenile Probation Fund(s), as required by A.R.S. §12-268, which:

- Complies with Arizona Revised Statute 12-268 which requires that the Board of Supervisors designate a Chief Fiscal Officer who shall establish and administer a Juvenile Probation Fund(s);
- Establishes the Juvenile Probation Department's Director of Budget and Finance as the Chief Fiscal Officer for the Juvenile Probation Fund(s),
- Authorizes its Chief Fiscal Officer to sign grant applications for financial assistance and provide information to state and federal authorities on all matters pertaining to financial assistance. (C2708004700) (ADM1400)

11. IGA WITH THE CITY OF PHOENIX FOR THE JUVENILE ACCOUNTABILITY BLOCK GRANT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) between City of Phoenix and Maricopa County Juvenile Probation for the Juvenile Accountability Block Grant (JABG) 2006, Year 9 program, with an award period of October 1, 2007 to September 30, 2008. JABG is a federal 'block allotment' grant program from the Governor's Office for Children, Youth and Families – Division for Children: Juvenile Justice Programs to provide funds to local jurisdictions to promote accountability in the juvenile justice system. (C2708005200)

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COUNTY MANAGER

Office of the County Manager

12. ECONOMIC DEVELOPMENT CONTRACT WITH THE COLLABORATION FOR A NEW CENTURY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Economic Development Contract, ED0706, between The Collaboration for a New Century and Maricopa County in the amount of \$25,000 for the purpose of training, technical assistance and connections to potential public and private sources of funding for faith and community-based organizations to implement innovative projects. The Board approved funding for Economic Development contracts as line items in the FY 2007-08 final budget. The Collaboration for a New Century's primary geographical scope includes all of Maricopa County, Arizona. Maricopa County funding shall be used to promote capacity-building among community and faith-based organizations. This contract contains performance goals and reporting requirements and shall become effective upon Board approval with an expiration date of June 30, 2008. (C2008027100)

13. AK-CHIN INDIAN COMMUNITY GAMING FUNDS FOR THE ARIZONA SENIOR HOUSING INSTITUTE

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Maricopa County, via a Resolution between Maricopa County and the Arizona Senior Housing Institute to apply for Ak-Chin Indian Community 12% Gaming Funds (Proposition 202, 2002) not-to-exceed \$100,000 and approve the acceptance of grant funds. If funds are received, authorize Maricopa County to pass funds through to the Arizona Senior Housing Institute. If funds are awarded, pursuant to A.R.S. §42-17105, also approve an appropriation adjustment to Non-Departmental (470) Non-Departmental Fund (249), increasing the FY 2007-08 revenue and expenditure budgets not-to-exceed \$100,000, and the creation of an appropriate new line item in Non-Departmental (470) Non-Departmental Fund (249) Pass Through Grants (4712). Maricopa County will act as the pass-through agency for the Arizona Senior Housing Institute and will pass through \$100,000 in FY 2007-08. Indirect cost is not applicable to Tribal Gaming Grants.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2008028300)

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE AK-CHIN INDIAN COMMUNITY FOR THE ARIZONA HOUSING INSTITUTE, AUTHORIZING ACCEPTANCE OF FUNDS AND PASS-THROUGH.

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BE IT RESOLVED by the Board of Supervisors of Maricopa County, Phoenix, Arizona, as follows:

- Section 1.** The Maricopa County Manager's Office is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Ak-Chin Indian Community in the amount of \$100,000 in FY 2007-2008.
- Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Ak-Chin Indian Community and to pass through these funds to the Arizona Senior Housing Institute, a non-profit organization.
- Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation.

DATED this 17th day of October 2007. (C2008028300)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

14. REWARDING IDEAS PROGRAM

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$5,458 and present awards on October 31, 2007. The Rewarding Ideas Merit Award Board met on September 19, 2007, and approved and recommended the employee awards. (C2008030900) (ADM3333-002)

DEPUTY COUNTY MANAGER

General Government

15. IGA FOR BEHAVIORAL HEALTH SERVICES

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the Arizona Department of Health Services and Maricopa County which in effect, extends the existing arrangement for the County's funding of behavioral health services for a term of one year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$38,963,905 for FY 2007-08. This increases the level of County funding based on medical inflation for services to the seriously mentally ill by \$1,624,158 over the funding paid under the previous IGA (C3907005100) in FY 2006-07. The FY 2007-08 IGA also requires the County to fund non-SMI services in the amount of \$3,366,705 and substance abuse services in the amount of \$1,489,871 for the one-year term which is equal to the FY 2006-07 level. The IGA will become effective upon Board approval until June 30, 2008. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total County funding for behavioral health services in FY 2007-08 under the IGA will be \$38,963,905 for a one-year term. (C4508001000)

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16. GRANT AWARD FOR HIV SERVICES

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a grant award from the Department of Health and Human Services, Health Resources and Services Administration (HRSA) for HIV services to General Government that increases the Ryan White grant. The notice of grant award was received on August 1, 2007, in the amount of \$193,368. These additional grant funds will be expended from July 1, 2007 to February 29, 2008.

The estimated General Government indirect rate is 10% in FY 2007-08. HRSA allows 10% indirect for administrative cost only. The recoverable indirect amount is \$2,637; \$164,362.80 is passed through to sub-recipients and not subject to indirect cost. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 450, Fund 532) associated with the aforementioned grant in the amount of \$193,368. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C4508001301)

17. IGA FOR MENTAL HEALTH SERVICES

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the Arizona Department of Health Services (ADHS) and Maricopa County authorizing ADHS or its contracted Regional Behavioral Health Authority (RBHA) to provide mental health services to remanded juveniles (of a screening agency, an evaluation agency and mental health treatment agency) when evaluation is ordered by the Maricopa County Superior Court pursuant to Arizona Revised Statutes, Title 36, Chapter 5, Article 4 and treatment is ordered by the Superior Court pursuant to Arizona Revised Statutes, Title 36, Chapter 5, Article 5. The IGA authorizes ADHS or its RBHA to expend up to \$200,000 from the "Non-SMI" payment funds that the County already provides to ADHS pursuant to the IGA executed in connection with Arnold vs. Sarn for behavioral health services for FY 2007-08. This IGA will become effective upon Board approval until June 30, 2008. (C4508002200)

18. EXECUTIVE COMPENSATION PACKAGE

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Executive Compensation Package (ECP) for Lisa Keegan as an unclassified Assistant County Manager in the County Manager's Office; ECP to deposit 80 hours of PTO and 80 hours of FML in addition to schedule four leave accrual effective September 24, 2007. (C4508004600) (ADM3308-002)

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Public Health

19. AMENDMENTS TO IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve amendments to the following intergovernmental agreements (IGAs) to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. These amendments are effective upon execution by both parties and exercise the option in the agreement per Section 1, paragraph 24 to extend the agreements for a one year period starting upon full-execution of the agreement to May 1, 2008. These agreements are covered under Section MC1-1001 of the Maricopa County Procurement Code.

- a. Amendment No. 1 to IGA with the Roosevelt School District. This amendment also provides additional funds to the Roosevelt School District in the amount of \$28,500 for the budget period July 1, 2007 through May 1, 2008. (C8607411201)
- b. Amendment No. 2 to IGA with the Deer Valley Unified School District. This amendment also provides additional funds to the Deer Valley Unified School District in the amount of \$57,500 for the budget period July 1, 2007 through May 1, 2008. (C8607418202)
- c. Amendment No. 4 to IGA with the Cartwright School District. This amendment also provides additional funds to the Cartwright School District in the amount of \$28,000 for the budget period July 1, 2007 through May 1, 2008. (C8607451204)

20. ADMINISTRATIVE CORRECTION TO UNSOLICITED ANONYMOUS GRANT AWARDED

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an administrative correction to C8608022100, Unsolicited Anonymous Grant awarded to Maricopa County Department of Public Health's Healthcare for the Homeless Clinic (HCH) approved by the Board on September 5, 2007. This administrative correction authorizes the Chairman of the Board of Supervisors to execute all documents necessary to receive this grant on behalf of the Department of Public Health. (C8608022101)

21. AGREEMENTS FOR STUDENT LEARNING EXPERIENCES

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. Affiliation agreement entitled "Student Rotation Training Agreement" with Dakota Wesleyan University (DWU) to allow students from the DWU Nursing Program (and other students, if preceptors are available) to participate in learning experiences at the Maricopa County Department of Public Health's Community Health Nursing program. The agreement is non-financial, and the term is from October 1, 2007 through June 30, 2012. (C8608031000)

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- b. Affiliation agreement entitled "Student Rotation Training Agreement" with Eastern Michigan University (EMU) to allow students from the EMU Dietetics Program (and other students, if preceptors are available) to participate in learning experiences at the Maricopa County Department of Public Health's Women, Infants & Children (WIC) program located within the Office of Nutrition Services. The agreement is non-financial, and the term is from October 1, 2007 through June 30, 2012. (C8608032000)

ASSISTANT COUNTY MANAGER - COMMUNITY SERVICES

Human Services

22. AMENDMENT TO CONTRACT TO REVISE THE PERFORMANCE MEASURES

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 5 to Contract C22070721 between Goodwill Industries of Central Arizona, Inc. and Maricopa County Human Services Department to revise the Performance Measures for 2007-2008. This amendment is effective from July 1, 2007 to June 30, 2008. (C2207072105)

23. REVISIONS TO THE HEAD START POLICY COUNCIL BYLAWS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve revisions to the Bylaws of the Head Start Policy Council as requested by the Maricopa County Head Start Zero-Five Program. Both Maricopa County and the Head Start Policy Council must approve any revisions. The revisions expand the number of community representatives from five to seven. The Policy Council approved the revision at its August 31, 2007 meeting. (On file in the Clerk of the Board's Office.) (C2207136M01) (ADM2502)

Parks and Recreation

24. SRP EASEMENTS AT SAN TAN MOUNTAIN REGIONAL PARK

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute two SRP easements at San Tan Mountain Regional Park as it pertains to the electrical service to serve areas which are south of the park, subject to legal counsel review and approval of the documents. (C3008010M00) (ADM3233)

CHIEF FINANCIAL OFFICER

Animal Care & Control Services

25. IGA FOR ANIMAL CONTROL SHELTER SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA), between the City of Mesa and Maricopa County Animal Care & Control, for Animal Control Shelter Services. This IGA is effective from July 1, 2007, through June 30, 2008. The City of Mesa agrees to pay full cost recovery for shelter services for FY 2007-08 estimated to be \$68,472.32 based on fees approved

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by the Board of Supervisors on November 2, 2005, C7906024700 and historical levels of service for this jurisdiction.

Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2008-09 and FY 2009-10 based on service levels. (C7908032200)

26. IGA FOR ANIMAL CONTROL FIELD SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the City of Litchfield Park and Maricopa County through Maricopa County Animal Care & Control, for Animal Control Field Services. This IGA is effective from July 1, 2007, through June 30, 2010. The City of Litchfield Park agrees to pay full cost recovery for field services estimated to be \$6,000 at a cost recovery rate of \$2,000 per year based on historical levels of service for this jurisdiction.

Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2008-09 and FY 2009-10, based on service levels. (C7908035200)

27. KENNEL PERMIT

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits:

- a. **Rowena Johnson, d.b.a. R. Johnson Kennels**, located at 7956 W. Roma Avenue, Phoenix AZ 85033 kennel permit #439, for the term of September 19, 2007 through September 18, 2008. The cost of a kennel permit is \$328. (C7908030C00) (ADM2304)
- b. **Arthur McKay, d.b.a. Harquahala Kennels**, located at 10602 S. 540 Avenue, Tonopah, AZ 85354 kennel permit #377, for the term of September 19, 2007 through September 18, 2008. The cost of a kennel permit is \$328, plus a penalty fee of \$25; totaling \$353. (C7908031C00) (ADM2304)
- c. **Stephen Fowler, d.b.a. Fowler Kennels**, located at 227 E. Mano Drive, New River, AZ 85087 kennel permit #417, for the term of October 1, 2007 through September 30, 2008. The cost of a kennel permit is \$328. (C7908033C00) (ADM2304)
- d. **Shirley Olsker, d.b.a. Olsker Kennels**, located at 1040 W. Sunland Avenue, Phoenix AZ 85008 kennel permit #008, for the term of October 1, 2007 through September 30, 2008. The cost of a kennel permit is \$328. (C7908034C00) (ADM2304)

28. DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the following monetary donations to Animal Care and Control for the care of animals:

- o Frances Clark of Peoria, AZ in the amount of \$300
- o Roberta Pederson of Phoenix, AZ in the amount of \$500
- o Lance Wilson of Gilbert, AZ in the amount of \$2,000

- PETCO Foundation in the amount of \$1,450

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908036700) (ADM2300-006)

Finance

29. FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

30. PAYMENT OF MARKETING COMMISSIONS FOR LEASES OF SURPLUS SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of marketing commissions in amounts up to six percent of the lease revenue amount for leases pertaining to approximately 10,000 square feet of surplus space on the first floor of the Security Building. A portion of the first floor space in the Security Building was declared as surplus property on August 6, 2007, under agenda item C2008019000. The subject marketing commissions are to be paid as a split commission based upon 3% to the Staubach Company for marketing and advertisement of the surplus property to the real estate community and 3% to any broker that registers a client as part of the public auction process that results in a successful lease agreement between the registered client and the county. This authorization is effective upon Board approval.

Pursuant to A.R.S. §42-17106(B), transfer FY 2007-08 expenditure appropriation of \$85,000 from Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled, "Marketing Commissions". (ADM811-002) (C1808016B00)

31. REAL PROPERTY ACQUISITION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a resolution authorizing real property acquisition and acquisition of any associated personal property, by dedication, donation, purchase or under the power of eminent domain for fee title to or any necessary interest in property described as Lot 6 and Lot 12, Baseline Commerce Center Amended, according to Book 254 of Maps, Page 37 records of Maricopa County, Arizona, for purposes of expanding the Southeast Regional Center and constructing other County structures, utilities, roads, parking structures and areas, and other improvements necessary for the full use of such facilities as a matter of public use and necessity. Authorize the Chairman to sign all documents approved by County Counsel necessary to

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complete the acquisition of the real and personal property and any documents with any existing services contractors, deemed necessary by the Facilities Management Department to continue service and operation of the property. Once the acquisition is imminent, the Board of Supervisors will need to approve a change in scope and possibly a change in the budget to the Southeast Justice Center CIP project before the transaction is finalized. (C1808019B00) (ADM811-017)

RESOLUTION

RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THAT FEE TITLE INTEREST IN CERTAIN REAL PROPERTY AND IMPROVEMENTS BE ACQUIRED BY MARICOPA COUNTY BY DEDICATION, DONATION, PURCHASE, OR POWER OF EMINENT DOMAIN FOR COUNTY PURPOSES AS A MATTER OF PUBLIC USE AND NECESSITY.

BE IT RESOLVED by the Board of Supervisors of Maricopa County, Arizona, as follows;

SECTION 1. PUBLIC NECESSITY. We find it necessary and essential as a matter of public welfare that Maricopa County acquire certain real property hereinafter described for purposes of expanding the Southeast Regional Center. Further, we find that the acquisition is for a public use of the County, will enable the County more fully to carry out its obligation to provide services.

SECTION 2. ACQUISITION AUTHORIZATION. Pursuant to A.R.S. § 12-1111, the acquisition of fee title to or any necessary real property interest in those certain real properties described as follows:

Lot 6 and Lot 12, Baseline Commerce Center Amended, according to Book 254 of Maps, Page 37 records of Maricopa County, Arizona.
See Exhibit "A" attached hereto and incorporated herein for illustration of Lot 6 and Lot 12.

Said acquisition is hereby authorized by eminent domain in the event that said real property is not acquired by dedication, donation or purchase; and the appropriate Maricopa County officials are authorized and directed to take all legal action necessary to acquire fee title to or any necessary real property interest in and possession of, said property under the power of eminent domain.

SECTION 3. EXPENDITURES. The Chief Financial Officer is hereby authorized and directed to pay all sums necessary to acquire the property and interests described above, and to pay for all title reports, appraisals, title insurance charges, escrow fees and all other costs necessary for the acquisition of said property and interests.

SECTION 4. EFFECTIVENESS. The authorizations set forth herein shall become effective immediately.

DATED this 17th day of October 2007.

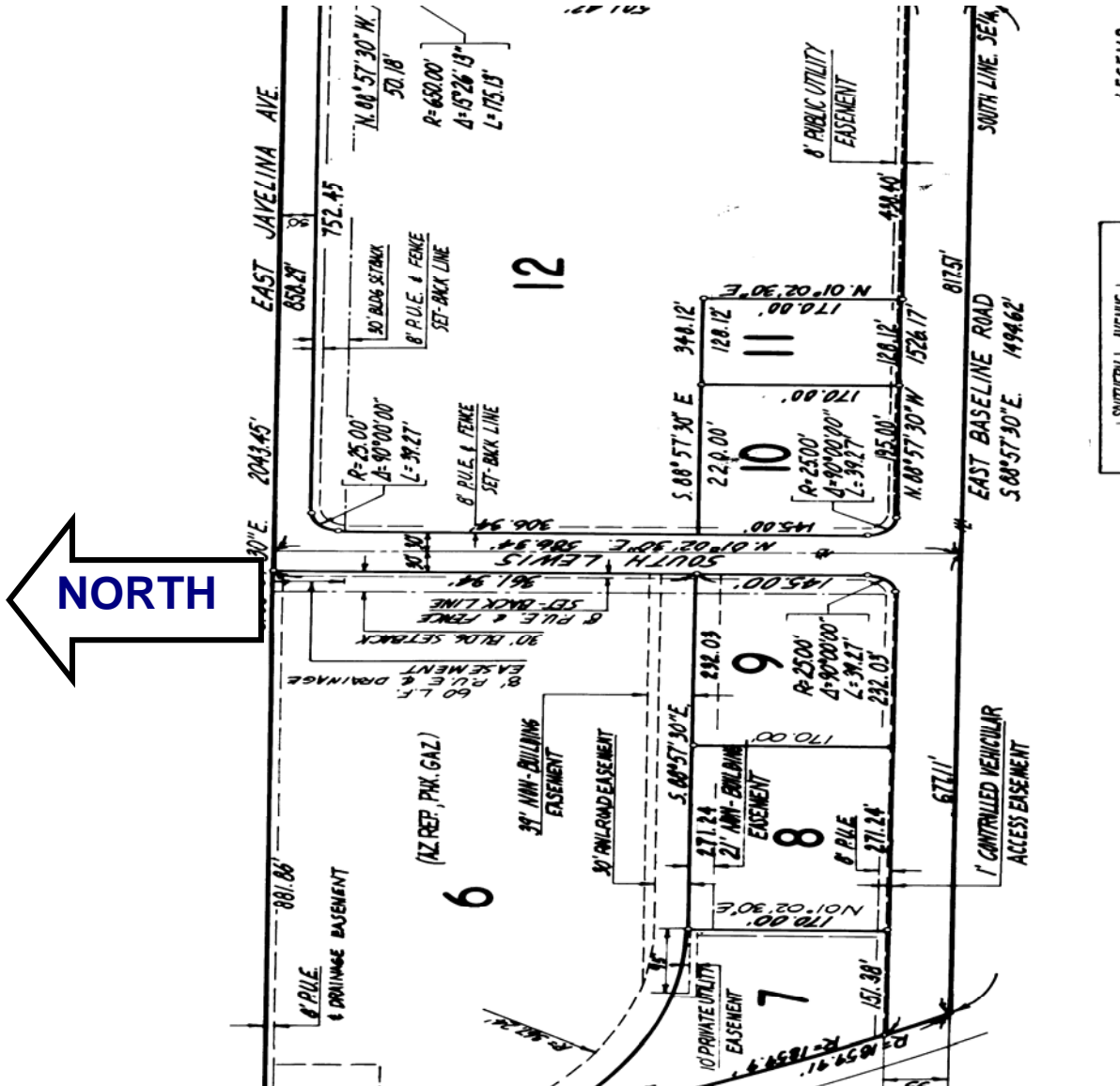
/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A

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32. LEASE WITH PHOENIX COMMUNITY ALLIANCE, INC. FOR OFFICE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a lease with Phoenix Community Alliance, Inc., an Arizona non-profit organization, as Lessee granting Lessee a leasehold interest in approximately 1,500 square feet of office space on the mezzanine level of the Security Building located at 234 N. Central Avenue, in Phoenix, and approve the build-out of the balance of the unassigned space on the mezzanine level with an additional estimated area of approximately 1,500 square feet. Public Notice of this lease will be processed in compliance with the requirements of A.R.S. §11-256.01. The Lessee will pay the county an appraised market rent of \$20 per square foot with approximately 3.5% annual increases throughout the term of the lease. The initial lease term is five years with a

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provision to renew the lease for one additional five-year term at the County's discretion. The County has the right to terminate the lease after the first five-year term with 180-day written notice. As part of the subject lease agreement, the County is responsible for the base building build-out and tenant improvements of the leased space. Rent is expected to begin on or about March 1, 2008 or on such date that Lessee takes beneficial occupancy of the premise. This project will be funded by the Security Building CIP project budget. (C1808020400)

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Emergency Management

33. MOU FOR USE OF ARIZONA REPEATER IN AN EMERGENCY SITUATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Memorandum of Understanding (MOU) C1508008000, between the Arizona Repeater Association and Maricopa County Emergency Management Services for the use of any Arizona repeater during an emergency situation. This MOU is non-financial and is effective from October 17, 2007 until terminated by mutual agreement. (C1508008000)

Environmental Services

34. ADDITION TO THE FLEET OF VEHICLES FOR VECTOR CONTROL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition to the fleet of 22 flex-fuel vehicles for Vector Control. The vehicles being purchased will be used by personnel working to facilitate the Vector Control Program and confront the spreading of the West Nile Virus. These are not replacement vehicles and will result in an overall increase of twenty-two vehicles to the fleet.

These vehicles (TRUCK, P/U FULL SIZE ½-TON 2X4 LONG BED) are equipped with a beacon light, deep tool box, fire ext. and first aid kit and an E85 compatible engine with a cost of \$23,300 each.

Currently the Department is renting vehicles for \$875 per month per each vehicle. This is a monthly expense of \$19,250 in rental fees. Purchasing these vehicles will allow the Department to discontinue renting vehicles. This savings in vehicle rent will offset the cost of these vehicles in 27 months.

The funding to purchase these vehicles will be from the exiting the General Fund vehicle replacement fund. Expenditures required to operate these vehicles will come from the Vector Control operating budget. Authorization to expand the Environmental Services vehicle fleet with the purchase of twenty-two vehicles at a cost of \$512,600. (C8808002M00) (ADM3104)

Facilities Management

35. CHANGE ORDER FOR CONCORD GENERAL CONTRACTING FOR SECURITY BUILDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 13 to contract C7004039800, Concord General

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Contracting, in an amount not-to-exceed \$2,100,000. This contract is for the continued design build and related professional services for the renovation of the Security Building. The scope includes renovations in an amount not-to-exceed \$2,100,000 to provide construction phase services for the remodel of the mezzanine space to be used for Phoenix Alliance and bathroom improvements and the construction of shell improvements to the first floor of the Security Building (4157) (Project No. 4157-08-319) located at the Maricopa County Downtown Campus, Phoenix, Arizona. This amount is within the approved budget for this project. (C7004039809)

36. CONSTRUCTION MANAGER AT RISK CONTRACT WITH CONCORD COMPANIES FOR SECURITY BUILDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of Construction Manager at Risk (CMR) Contract No. FMD-08-031 for GMP #2 with Concord Companies, Inc. of Mesa, Arizona, in the amount of \$1,516,409, to provide construction phase services for the remodel of the mezzanine of the Security Building (4157) (Project No. 4157-08-319) located at the Maricopa County Downtown Campus, Phoenix, Arizona. (C7007042802)

37. BUDGET TRANSFERS AND ADJUSTMENTS RELATED TO SECURITY BUILDING IMPROVEMENTS

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the FY 2007-08 fund transfers of:

- \$953,225 from the Appropriated Fund Balance (480) General Fund (100) to the Appropriated Fund Balance (480) General Fund County Improvement Fund (445).
- \$1,000,000 from the Non-Departmental (470) General Fund (100) to the Appropriated Fund Balance (480) General Fund County Improvement Fund (445).

Also, increase the FY 2007-08 Appropriated Fund Balance (480) General Fund County Improvement Fund (445) revenue and expenditure appropriation by \$1,953,225 with offsetting revenue and expenditure eliminations in the Eliminations (980) Eliminations Fund (900).

Also approve adjustments to the FY 2007-08 Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) Program, Year 1, as follows:

- Decrease the Administration Building Infrastructure Improvement (ABII) project expenditure budget by \$518,225 from \$1,249,576 to \$731,351.
- Decrease the Old Court House Building Improvement (OOHI) project expenditure budget by \$150,000 from \$150,000 to \$0.
- Decrease the East Court Infrastructure Improvement (EEII) project expenditure budget by \$285,000 from \$295,254 to \$10,254.

Adjustments to the FY 2007-08 Non-Departmental (470) General Fund (100) Major Maintenance (4732) Program, Year 1, as follows:

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- Decrease the Southeast Regional Infrastructure Improvement (SICU) project expenditure budget by \$900,000 from \$1,594,000 to \$694,000.
- Decrease the Energy Management Studies (ENRG) project expenditure budget by \$100,000 from \$200,000 to \$100,000.

An increase to the FY 2007-08 Appropriated Fund Balance (480) General Fund County Improvement Fund (445) Security Building (SSCB) project expenditure budget in Year 1 of \$1,953,225.

These adjustments have a net zero impact on the overall County budget. (C7008023800)

Planning and Development

38. IGAs FOR ENFORCING INSTALLATION STANDARDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. Renewal of a non-financial intergovernmental agreement (IGA) between the Arizona Department of Building and Fire Safety Office of Manufactured Housing (OMH) and Maricopa County Department of Planning and Development for the purpose of enforcing installation standards of manufactured and mobile homes. The term of this IGA shall be for five years effective upon Board approval. (C4403006001)
- b. A non-financial intergovernmental agreement (IGA) between the Arizona Department of Building and Fire Safety Office of Manufactured Housing (OMH) and Maricopa County Department of Planning and Development for the purpose of enforcing installation standards of factory built buildings. The term of this IGA shall be for five years effective upon Board approval. (C4408004000)

39. IGA WITH THE TOWN OF WICKENBURG

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the Town of Wickenburg and the Maricopa County Planning and Development Department for the issuance of building permits. Some residents of the county initially applied for building permits through the Planning and Development. Concurrently, the Town of Wickenburg issued building permits in anticipation that the properties would be annexed and, as a result, structures were constructed. Subsequently, the properties have not been annexed. This IGA retroactively authorizes the Town of Wickenburg to issue building permits according to its codes. The IGA further requires the Town of Wickenburg to deal with these properties in the future as described in the IGA. In addition, the Town of Wickenburg has issued a check to the Maricopa County Planning and Development Department in the amount of \$1814, to cover expenses incurred by the county in processing the original application for permits. This IGA shall become effective upon Board approval. (C4408006000)

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Transportation

40. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

DD-10637 Project No.: Dedication – Plymouth Road up to 79th Street – Warranty Deed –
(GL) Parcel No.: 219-22-004G – Gordon Montierth, Jr. and Sylvia L. Montierth - for
the sum of \$10.00.

DD-10637 Project No.: Dedication - Plymouth Road up to 79th Street – Purchase
(GL) Agreement and Escrow Instructions - Parcel No.: 219-22-004G – Gordon
Montierth, Jr. and Sylvia L. Montierth.

DD-10724.001 Project No.: TT011 – Z98-28 - El Mirage Road North of Bethany Home Road
& .002 (GL) – Warranty Deed - Parcel No.: 501-54-004H & 004K –American Sand & Rock,
Inc., an Arizona Corporation – for the sum of \$10.00.

DD-10724.001 Project No.: TT011 – El Mirage Road North of Bethany Home Road -
& .002 (GL) Purchase Agreement and Escrow Instructions - Parcel No.: 501-54-004H &
004K - American Sand & Rock, Inc., an Arizona Corporation.

TT-003.001 Project No.: TT003 – Old Stagecoach Road at New River Wash Crossing -
(GL) Arizona State Land Department – Right of Entry Application and Agreement –
Assessor No: 202-06-000 - Application No.: 30-111811-00-000 – Pending
Application No: 16-111748.

41. AMENDMENT TO IGA FOR THE EXCHANGE OF SERVICES (ENTENTE PROGRAM)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No.1 to the intergovernmental agreement (IGA) C6402277200 between the Town of Queen Creek and Maricopa County, acting through the Maricopa County Department of Transportation for the exchange of services under the Entente Program. This amendment extends the ending date of the IGA from July 2, 2007 to July 2, 2012. The original agreement was approved by the Board under C6402277200 on June 26, 2002, and recorded in the office of the Maricopa County Recorder on July 2, 2002, under #2002-0675653. The original intergovernmental agreement outlined measures for both parties to coordinate a joint effort to provide a more seamless transportation system. (C6402277201)

42. AMENDMENT TO IGA FOR THE STOCKPILING OF EXCESS EXCAVATED DIRT FROM THE REEMS ROAD CHANNEL AND BASIN PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement (IGA), C640614920, between the Flood Control District of Maricopa County and Maricopa County Department of

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Transportation for the Design, Rights-of-Way Acquisition, Construction, Construction Management, and Operation and Maintenance of the Olive Avenue Crossing at Reems Road and the Reems Road Crossing at Northern Parkway as part of the Reems Road Channel and Basin Project (#470). This amendment is for the stockpiling of excess excavated dirt from the Reems Road Channel and Basin Project to be utilized in the future by the County. This amendment shall be effective upon recording by the Maricopa County Recorder's office. (C6406149201)

43. REIMBURSEMENT TO UNION PACIFIC RAILROAD COMPANY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Agreement, C6407143100, between the Union Pacific Railroad Company (UPRR) and the Maricopa County Department of Transportation (MCDOT) for the reimbursement of the estimated expenditure of \$584,397 to Union Pacific Railroad Company for the reconstruction and widening of the at-grade railroad crossing at Cotton Lane and MC85 in support of MCDOT Project T180, Cotton Lane Bridge at the Gila River. MCDOT agrees to reimburse UPRR at 100% of their actual costs in support of this project. (C6407143101)

44. ADDITION OF PROJECTS AND CORRESPONDING EXPENDITURE BUDGETS TO TIP

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of the following projects and corresponding expenditure budgets to the FY 2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1 (FY 2007-08).

- Project T124, Pinnacle Peak: Lake Pleasant to 83rd Ave with a budget of \$56,500.

Also approve an amendment to the current FY 2008-2012 five-year TIP in the Department of Transportation (640) Transportation Capital Projects Fund (234) by decreasing the Year 1 (FY 2007-08) expenditure budget for the following projects:

- Project T002, Project Reserve Account capital budget by \$50,000.
- Project T006, Unallocated Force Account capital budget by \$6,500.

The requested adjustments result in a net budget impact of zero. (C6408046800) (ADM2000-003)

45. BIDS AND AWARD FOR PALM LANE: 78TH STREET TO HAWES ROAD, MCDOT PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation of bids for Palm Lane: 78th Street to Hawes Road, MCDOT Project No. T046; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent. (C6408053500)

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46. RESOLUTION REGARDING DESIGNATION OF APPLICANT'S AGENT TO THE TRANSPORTATION SURVEY CHIEF

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a resolution appointing John J. Rose, Transportation Survey Chief, as the Designated Applicant's Agent of Maricopa County Department of Transportation, to execute and file with the Arizona Division of Emergency Management (AZDEM) any applications necessary for Maricopa County Department of Transportation to receive financial assistance from the disaster relief fund under the Disaster Relief Act. (C6408054000) (ADM904)

RESOLUTION

DESIGNATION OF APPLICANT'S AGENT

**THE INTENT OF THIS RESOLUTION
IS TO APPOINT AN APPLICANT'S AGENT FOR THE FOLLOWING TERM:
UNTIL FURTHER NOTICE**

BE IT RESOLVED by the Board of Supervisors of Maricopa County that John J. Rose, Transportation Survey Chief, is hereby authorized to execute for, and on behalf of Maricopa County Department of Transportation, an entity established under the laws of the State of Arizona, this application and to file it in the appropriate state office for the purpose of obtaining certain financial assistance.

THAT Maricopa County, an entity established under the laws of the State of Arizona, hereby authorizes its agent to provide to the state information for all matters pertaining to emergency assistance.

DATED this 17th day of October 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

47. BIDS AND AWARD FOR RUBBERIZED BITUMINOUS SURFACE TREATMENT PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation of bids for the Maricopa County Department of Transportation's Rubberized Bituminous Surface Treatment Project, FY 2007-08 Work Order Number 30050043. Also, approve the award of a contract to the lowest responsive responsible bidder, provided that the lowest responsive responsible bidder does not exceed the Engineer's estimate by more than ten percent. (C6408055000)

48. REIMBURSEMENT TO BUCKEYE WATER CONSERVATION AND DRAINAGE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Buckeye Water Conservation and Drainage District (BWCD) for the costs incurred in the review and construction oversight of MCDOT construction work done within BWCD right-of-way in support of MCDOT's Project T180, Cotton Lane Bridge.

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The total cost may not exceed the estimated amount of \$5,000 by more than 10 percent. (C6408056M00) (ADM2000-006)

49. ANNEXATION BY THE TOWN OF BUCKEYE

Pursuant to A.R.S. §9-471(N), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the annexation by the Town of Buckeye of County right-of-way within Beloat Road alignment from Rooks Road to 600 feet West of Miller Road, and Rooks Road from Monroe Avenue to Beloat Road, in accordance with Ordinance No.64-06. (C6408057000) (ADM4202-002)

Town Of Buckeye: Annexation: Legal Description: Ordinance # 64-06

The south 33 feet of the southwest quarter of the southeast quarter of section 6, township 1 south, range 3 west, of the Gila and Salt River base and meridian, Maricopa County, Arizona.

the south 40 feet of the southwest quarter of section 6, township 1 south, range 3 west of the Gila and Salt River base and meridian, Maricopa County, Arizona.

the west 33 feet of the southwest quarter of section 6, township 1 south, range 3 west of the Gila and Salt River base and meridian, Maricopa County, Arizona; except the south 40 feet and the north 33 feet thereof.

the north 40 feet of the northeast quarter of section 7, township 1 south, range 3 west of the Gila and Salt River base and meridian, Maricopa County, Arizona; except that portion lying within the east half of the east half of the northeast quarter of said section 7; and

except that portion lying within the east 80 feet of the west half of the east half of the northeast quarter of said section 7.

the north 33 feet of the northwest quarter of section 7, township 1 south, range 3 west of the Gila and Salt River base and meridian, Maricopa County, Arizona.

the east 40 feet of the northwest quarter of the southeast quarter of section 1, township 1 south, range 4 west of the Gila and Salt River base and meridian, Maricopa County, Arizona; except the north 33 feet thereof.

the east 33 feet of the southeast quarter of the southeast quarter of section 1, township 1 south, range 4 west of the Gila and Salt River base and meridian, Maricopa County, Arizona.

the north 33 feet of the east 33 feet of the northeast quarter of the northeast quarter of section 12, township 1 south, range 4 west of the Gila and Salt River base and meridian, Maricopa County, Arizona;

50. BIDS AND AWARD FOR INTERSECTION IMPROVEMENTS AT RIGGS ROAD AT POWER ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation of bids for the Intersection Improvements at Riggs Road at Power Road, MCDOT Project No. T262; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent. (C6408058500)

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51. BIDS AND AWARD FOR INDIAN SCHOOL ROAD SIGNAL MODERNIZATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation of bids for the Indian School Road Signal Modernization, MCDOT Project No. T238; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent. (C6408059500)

52. REIMBURSEMENT TO SRP FOR ENGINEERING SERVICES AND CONSTRUCTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Salt River Project (SRP) for engineering services and construction by SRP contracted forces for the relocation and installation of the SRP-owned electrical facilities in conflict with Maricopa County Department of Transportation (MCDOT) Project T156, Chandler Heights Road at 124th Street. MCDOT acknowledges that SRP facilities have prior rights. The cost may not exceed the estimated amount of \$36,489.00 by more than 10%.

Also approve and execute the referenced SRP Design and Construction Contract for SRP Job Order JE6-90122.

This approved reimbursement and signed contract will be in effect for two years from the date of approval by the Board. The actual expenditure impact on any given fiscal year's budget is dependent upon the timing of SRP developing a design, scheduling and completion of the relocation of the conflicting facilities. (C6408067100)

53. IGA FOR IMPROVEMENTS TO 39TH AVENUE FROM SUNLAND AVENUE TO SOUTHERN AVENUE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the City of Phoenix and the Maricopa County Department of Transportation (MCDOT) for improvements to 39th Avenue from Sunland Avenue to Southern Avenue. This project is a part of the County's comprehensive dust abatement program at 43rd Avenue and Broadway Road (TT265).

Also, per A.R.S. §42-17106 (B), approve an amendment to the current FY2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation Capital Projects Fund (234) by increasing the Year 1 (FY 2007-08) expenditure budget for Project T265, 43rd Avenue: Southern to Broadway Road by \$60,395.

And, decreasing the Year 1 (FY 2007-08) expenditure budget for the Project T002, Project Reserve Account by \$60,395.

The requested adjustments result in a net budget impact of zero.

Lastly, approve an amendment to the current FY2008-2012 five-year TIP by increasing the Year 1 (FY 2007-08) revenue budget for Project Number T265, 43rd Avenue: Southern to Broadway Road, by \$60,395. (C6408069200)

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54. TRADE-IN

Pursuant to Maricopa County Procurement Code, MC1-803.D.3, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the trade-in of a 1998 Caterpillar 5.0 Cubic Yard 4X4 Wheel Loader (County Asset #440, Serial # 1SL03055) to Empire Machinery in conjunction with Serial 07086-C Invitation For Bid. The Notice of Solicitation was issued by the Materials Management Department for the purchase of a new Wheel Loader for the Maricopa County Department of Transportation (MCDOT), and will be awarded by the Materials Management Director on October 18, 2007. This Trade-In is required since the existing Wheel Loader has exceeded the end of the life cycle. The purchase price of the new Wheel Loader is \$328,003. With the trade-in credit of \$95,000, the net cost to the County is \$233,003. (C6408070100) (ADM3104-001)

55. NEW TRAFFIC CONTROLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following new traffic controls on unincorporated right-of-way at the following locations:

- a. **250th Avenue at Watkins Street** – A One Way Stop for Southbound traffic. (C6408061000) (F23223)
- b. **Bethany Home Road from 100 feet west of 125th Avenue to 100 feet east of 125th Avenue (North Side Only)** – A NO STOPPING, STANDING, PARKING ANYTIME ZONE. (C6408062000) (F23223)
- c. **Tuthill Road from Ray Road to 1.75 miles south of Ray Road** – A 45 MPH SPEED LIMIT ZONE. (C6408063000) (F23223)
- d. **Tuthill Road from 1.75 miles south of Ray Road to Queen Creek Road** – A 35 MPH SPEED LIMIT ZONE. (C6408063000) (F23223)
- e. **Palm Lane from 100 feet east of 78th Street to 100 feet west of Hawes Road** – All traffic to stop before entering or crossing a THROUGH STREET. (C6408064000) (F23223)
- f. **132nd Street from 100 feet north of Chandler Heights Road to 100 feet north of Via Del Verde** – All Traffic to stop before entering or crossing a THROUGH STREET. (C6408065000) (F23223)
- g. **Cortessa Parkway 20 feet north of Burton Avenue for Mountain View Elementary School** – A DESIGNATED SCHOOL CROSSING on _ (C6408066000) (F23223)
- h. **Cortessa Parkway 125 feet south of Cheryl Drive for Mountain View Elementary School**-A DESIGNATED SCHOOL CROSSING on (C6408066000) (F23223)
- i. **County roadways within the Raceway Ranchos residential subdivision area** -No parking of vehicles over 10,000 pounds gross vehicle weight (as per Maricopa County

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Residential Parking Ordinance P-5). This area includes Winslow Avenue, Miami Road, and 111th Avenue. (Supervisory District 5) (C6408072000) (F23223)

- j. **Miami Road from 111th Avenue to 107th Avenue** -No parking of vehicles over 10,000 pounds gross vehicle weight (as per Maricopa County Residential Parking Ordinance P-5). (Supervisory District 5) (C6408072000) (F23223)

56. ROAD FILE (AB-199) VACATE AND ABANDON

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt Resolution AB-199. (C6408071000)

**RESOLUTION
ROAD ABANDONMENT AB-199**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT

WHEREAS, certain roadway easements located in the general vicinity of Yearling Road and 113th Avenue which were acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on November 7th, 1973 and recorded by the Maricopa County Recorder as Docket number 10387, Page 1237; and

WHEREAS, a proposal requesting the extinguishment of the roadway easements has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easements to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easements proposed for extinguishment are no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishments be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easements which are described in Exhibit "A" are no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easements as described in Exhibit "A" are hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in Docket number 10387 page 1237.

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BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 17th day of October 2007. (C6408071000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Legal Description: AB-199

The North Forty (40) feet and the East Thirty (30) feet of the East half of the East half of Lot 40, Section 6 – T4N, R1E of the G&SRB&M, Maricopa County, Arizona.

BOARD OF SUPERVISORS

Clerk of the Board

57. RESIGNATIONS/APPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- a. **Travel Reduction Program Regional Task Force** – Accept the resignation of Gary Ewing and appoint Leonard Pape, Corporate Safety Manager, WinCup, as nominated by Supervisorial District 4. Mr. Pape will fill the unexpired term effective as of the date of Board approval through January 31, 2008. (C0608031900) (ADM2358-001)
- a. **Fountain Hills Sanitary District Board of Directors** – Pursuant to A.R.S. §48-2010(A), accept the nomination petitions filed for three positions, cancel the election scheduled to be held on November 6, 2007, and appoint the following people who filed nominating petitions to fill the positions:
 - Bruce Hansen
 - Michael Howard
 - Robert E. Thomson

Directors shall serve four year terms effective January 1, 2008 through December 31, 2011 and until their respective successors are elected and qualified. (C0608032700) (ADM4442-001)

58. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

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The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003) Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No vouchers were submitted for approval or ratification at this meeting. No update was given to the Board at this meeting.

SETTING OF HEARINGS

All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted.

59. PUBLIC HEARING TO NAME A PREVIOUSLY UNNAMED ALIGNMENT

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, November 14, 2007, to name a previously unnamed alignment as "North Quiet Hills Drive" in Section 34, Township 7N, Ranch 4W northeast of US 60 in the Wickenburg area. The department received a citizen request to name a previously unnamed alignment as "North Quiet Hills Drive" in Section 34, Township 7N, Ranch 4W. The roadway is 1.5 miles long traveling northeast from US 60 in the Wickenburg area. The request is made by Dan and Diane Bojko on behalf of the citizens living along the alignment to better identify the location of properties along a meandering street alignment for emergency service provision. At present, all properties along the alignment are addressed as "North U.S. Highway 60". There are 34 parcels affected by this change. Thirty-three property owners signed a petition in support of the street name change. There is no known opposition. Written sign-off has been received from the Wickenburg Fire Chief and the 911 MSAG Coordinator. Verbal recommendations have been received from MCDOT and the Sheriff's Office. The street name change is expected to expedite emergency and delivery services in the area. (C4408005000) (ADM2018)

CONSENT AGENDA

Clerk of the Board

60. ASRS CLAIMS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

Ellis, Kathleen	\$642.99
Miller, Matthew	\$269.29
Rojo, Allyssa	\$388.32

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Smith, Ted	\$712.08
Duffy, Dennis	\$153.34
Brown, Deborah	\$3,029.70
Carpenter, Carol	\$2,584.86
Choppi, Kimberly	\$24,736.40
Edwards, Edna	\$12,008.27
White, Joyce	\$638.53
Vetsch, Pamela	\$10,606.58

61. CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting. (ADM4300)

62. CLASSIFICATION CHANGES

No changes were submitted by the Assessor for this meeting. (ADM723)

63. COMBINED CHARITABLE CAMPAIGN

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the acceptance of cash, not-to-exceed \$6,500.00, and in-kind contributions generated for the 2007 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2007 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received are on file in the Clerk of the Board's Office. Approve depositing these funds into the General Fund (100). (ADM3311-001)

64. DONATIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the donation reports received from county departments for September 2007. (ADM1810)

Sheriff's Office	cash donation of \$305.00
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65. DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and/or ratify duplicate warrants being issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
FastSigns	380004786	Expense	\$1,399.90
Helen Shreve	280006238	Payroll	\$629.05

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SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Patricia Kathleen Moore	Phoenix Elem SD #1	180003977	\$1,194.92
Gail C Wagoner	Laveen Elem SD #59	59024299	\$1,023.92
Tony Flores	Wilson SD #7	180018541	\$252.68
Jacqueline Fox-Long	Murphy SD #21	480024044	\$960.00
Office of Youth Preparation	Agua Fria Union High SD #216	470088117	\$125.00
Jim O'Connor Construction	Litchfield Elementary SD #79	480016290	\$46,250.00
Sigler	Litchfield Elementary SD #79	470118869	\$361.06
At Systems	Agua Fria Union High SD #216	470079668	\$501.40
ASCD	MC Regional SD #509	480019467	\$19,230.60
Pearson's Enterprises	Littleton Elem SD #65	470087724	\$351.81
Littleton Rev Fund	Littleton Elem SD #65	470122505	\$212.95
Integrated Educ. Services	Tolleson Elem SD #17	470137426	\$5,405.00
Miguel Salas	Agua Fria Union High SD #216	180020596	\$30.38
Sean Roundtree	Osborn SD #8	180025315	\$748.03
Karen R Harper	Saddle Mountain Unified SD #90	180019712	\$77.11

66. MARKET RANGES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3308-006)

MARKET RANGE TITLE	MINIMUM	MIDPOINT	MAXIMUM
Reprographics Technician	\$13.06	\$16.00	\$18.94
Deputy Director – P & D**	\$38.75	\$47.18	\$55.61
Medical Assistant	\$11.26	\$14.08	\$16.89
Licensed Practical Nurse	\$18.68	\$21.63	\$24.57
Reg. Nurse – Correctional	\$25.39	\$32.33	\$39.26
Psych Registered Nurse	\$28.95	\$34.11	\$39.26
Nurse Prac/Physician Asst	\$38.47	\$46.31	\$54.15
Charge Nurse	\$28.58	\$34.80	\$41.02
Nursing Supervisor	\$31.77	\$37.27	\$42.77
Nursing Manager	\$36.80	\$43.50	\$50.19
Educator	\$15.19	\$18.47	\$21.75
Interpretive Ranger	\$16.70	\$19.82	\$22.93

67. MINUTES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held September 10, 2007 and September 27, 2007.

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68. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated October 17, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

69. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Roll Resolutions. (ADM705)

YEAR	FROM	TO	AMOUNT
2002	20479	20479	-\$43.78
2004	16058	16062	-\$6,685.46
2005	19419	19437	-\$19,441.46
2006	13432	13479	-\$123,407.34
2004	16063	16069	-\$10,513.60
2005	19427	19453	-\$56,484.02
2006	13460	13498	-\$61,745.10
2004	16067	16087	-\$6,706.82
2005	19446	19506	-\$32,578.40
2006	13427	13550	-\$106,284.26
2004	16071	16095	-\$189,708.56
2005	19459	19576	-\$451,502.30
2006	13451	13614	-\$233,076.14
2007	1	560	\$458,243.28

70. SETTLEMENT OF PROPERTY TAX CASES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases dated October 17, 2007. (ADM704)

2005

ST2004-000277

2007

TX2006-000309

TX2006-000200

TX2006-000463

2008

ST2007-000012

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71. STALE DATED WARRANTS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Elliott Homes Inc.	\$5,907.77
Agua Fria Union High School	\$20.00

72. TAX ABATEMENTS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

PARCEL NO.	DATE	AMOUNT	PARCEL NO.	DATE	AMOUNT
304-01-977	2006	\$1,754.05	101-50-019	2003	\$59.80
214-19-126	1988	\$1,997.57	101-50-019	2004	\$39.74
214-19-126	1989	\$113.93	101-50-019	2005	\$90.02
214-19-126	1990	\$111.02	101-50-019	2006	\$15.98
214-19-126	1991	\$108.36	101-50-019	2007	\$9.96
214-19-126	1992	\$103.81	503-66-005K	2002	\$799.74
214-19-126	1993	\$99.41	503-66-005K	2003	\$1,015.83
214-19-126	1994	\$96.88	503-66-005K	2004	\$948.94
214-19-126	1995	\$92.67	503-66-005K	2005	\$1,006.16
214-19-126	1996	\$83.43	503-66-005K	2006	\$855.37
214-19-126	1997	\$66.82	503-66-005K	2007	\$832.92
214-19-126	1998	\$62.02	503-66-005L	2001	\$66.01
214-19-126	1999	\$56.53	503-66-005L	2002	\$23.76
214-19-126	2000	\$43.53	503-66-005L	2003	\$50.18
214-19-126	2001	\$39.55	503-66-005L	2004	\$187.05
214-19-126	2003	\$32.15	503-66-005L	2005	\$237.88
214-19-126	2004	\$28.06	503-66-005L	2006	\$276.57
214-19-126	2005	\$24.40	503-66-005L	2007	\$314.64
303-19-124Q	2002	\$4,076.87	304-01-976	2006	\$72,802.20
505-38-006A	1998	\$23,075.84			

S-1. 2007 TAX RATE AMENDMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to correct the action taken on August 20, 2007 by the Board of Supervisors regarding the "Maricopa County 2007 Tax Levy Packet;" specifically, correct the rate of 0.1302 for Add'l Education Aid for Saddle Mountain (Primary AV), adopted pursuant to A.R.S. §15-992, and found on Schedule F, page 10. (C3708010800) (ADM1815).

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A review of the information related to this district indicates that there was an error in the calculation. The initial Additional Aid calculation used the incorrect Qualifying Tax Rate (QTR). The QTR applicable to common schools rather than unified schools was mistakenly used; therefore, the initial calculation understated the amount of qualifying taxation for that district. This action does not impact nor change the valuation of the properties in this district, but is limited to an error in the calculation of the adopted rate.

The table below outlines the initial calculations and the corrected calculations.

	INITIAL	CORRECTED
QTR	1.602	3.204
Applicable %	50%	50%
Target rate	0.801	1.602
Primary AV	852,200,722	852,200,722
SRP value	114,237,177	114,237,177
	966,437,899	966,437,899
Amt generated/target	7,741,168	15,482,335
ARS 15-972 component		
The lessor of RCL or DSL	5,829,187	5,829,187
The CORL	385,028	385,028
The SOFT CAPITAL	269,113	269,113
	6,483,328	6,483,328
Amount to be raised for Additional education		
15-992B less		
15-971A	1,257,840	8,999,007
Tax Rate	0.1302	0.9312

Therefore, the amended action requested is to:

Amend the rate as follows: Note: The Clerk made the corrections (below) prior to the vote:

Dist #: 07990
 Special Districts, Assessed Value Basis -- Name of District:
 Add'l Education Aid - Saddle Mountain (Primary AV)
 2007 Property Tax Levy: ~~1,409,565~~ **\$7,935.693**
 2007 Assessed Value/Acreage: \$852,200,722
 2007 Tax Rate: amend from 0.1302 to a corrected rate of ~~0.9392~~ **\$0.9312**

And, direct the Maricopa County Treasurer to amend and send corrected tax bills to those effected by this correction.

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S-2. DONATION OF SEVENTY COMPUTERS TO PALOMINO ELEMENTARY SCHOOL

Pursuant to A.R.S. §11-251(9), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the donation of seventy computers to Palomino Elementary School and authorize the execution of any necessary conveyance documents. The computers are surplus equipment and/or materials that have little or no value and are unauctionable. The hard drives have been removed and destroyed in accordance with County policy. The computers will not have an operating system. (C1908024M00) (ADM119)

S-3. FILE LAWSUIT AGAINST MARGARET J. PHILLIPS A/K/A/ MARGARET J. JONES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the County Attorney's Office to file a lawsuit in Superior Court against Margaret J. Phillips a/k/a/ Margaret J. Jones, to obtain an injunction requiring compliance with the Maricopa County Zoning Ordinance and payment of outstanding fines in the amount of \$89,670 concerning her property located at 34718 W. Buckeye Road, Tonopah, Arizona. This item was discussed in Executive Session on October 15, 2007. (C1908029M00) (ADM3417) (ADM413)

S-4. FILE LAWSUIT AGAINST JUAN J. SAENZ AND LEONARDA SAENZ

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the County Attorney's Office to file a lawsuit in Superior Court against Juan J. Saenz and Leonarda Saenz, to obtain an injunction requiring compliance with the Maricopa County Zoning Ordinance and payment of outstanding fines in the amount of \$63,900 concerning their property located at 503 South 97th Street, Mesa, Arizona. This item was discussed in Executive Session on October 15, 2007. (C1908030M00) (ADM3417) (ADM413)

Risk Management

S-5. SETTLEMENT OF MARICOPA COUNTY'S WORKER'S COMPENSATION LIEN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Settlement of Maricopa County's worker's compensation lien arising from the injury to County employee, David Stewart, and his subsequent legal action against third party in Maricopa County Superior Court No. CV2005-009524, and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on October 15, 2007. (C7508021100) (ADM3712)

Planning and Development

S-6. CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule Planning and Development public hearings on zoning cases and other matters for the October 31, 2007 meeting. (List is on file in the Clerk of the Board's office) (F23245)

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Z2007-017; Z2006-057; Z2007-038; Z2007-058; Z2007-099; DMP2006-008

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

73. PUBLIC COMMENT

No member of the public came forward to comment at this meeting. (ADM605)

74. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox commented on the Senior World Championship Softball Tournament that will be held in Phoenix October 19th through the 28th with games being played on various baseball fields around the Valley. There are 331 teams registered to compete and the tournament is expected to bring 10,000 people to the Valley, resulting in a very positive economical advantage to the Valley. (ADM606)

Supervisor Wilcox also mentioned that Louis Rhodes, former head of the local ACLU, has passed away and expressed condolences to his friends and family.

Chairman Brock alluded to Supervisor Wilcox's comment on the senior softball tournament saying that teams are coming from several foreign countries, and one of the players is reported to be 82 years old. There are plans to try to have Phoenix adopted as the permanent future "home" for Senior Softball Tournaments.

Chairman Brock also spoke about the Financial Forum the County hosted last Monday, saying it had been very interesting and educational because of the expert financial experts on the panel, Dennis Hoffman, Jay Butler and Elliott Pollack, who were skillfully led by moderator Bob Robb. The Chairman thanked everyone who had contributed to this successful and informative presentation.

Supervisor Wilson reported that the local Homeland Security Office affiliates across the Valley are holding simulated bomb and other survival scenarios this week to test preparedness for possible future terrorist attacks or natural calamities.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA:

- | | | |
|-----------|-------------------|---|
| 1. | S2006-014 | District 1 |
| | Applicant: | Bryan McCormick |
| | Location: | Southwest corner of Ellsworth Road and Riggs Road (in the Queen Creek area) |

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Request: Final Plat in the R1-35 zoning district for Ranchos Legante (approximately 77.57 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

REGULAR AGENDA:

- 2. CPA2007-02 District 4** Adoption is by Resolution
Applicant: Arcadis US, Inc. for Starlight Pines Realty
Location: Northwest corner of Northern Avenue and Cotton Lane (in the west Glendale area)
Request: Comprehensive Plan Amendment (CPA) to change the land use designation in Maricopa County's White Tank/Grand Area Plan from Large Lot Residential (1-2 dwelling units/acre) to Rural (0-1 dwelling units/acre) (approximately 447 acres) – Avalon

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2007-02, subject to stipulations "a" through "m". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the narrative report entitled, "Avalon Major Comprehensive Plan Amendment", a document consisting of twenty-three (23) pages dated revised August 21, 2007 and stamped received August 28, 2007, except as modified by the following stipulations.
- b. The maximum number of residential units shall not exceed 390.
- c. The initial final plat for the Avalon project shall be approved by the Board of Supervisors within five (5) years of approval of this comprehensive plan amendment. If the initial final plat has not been approved within this timeframe, this major comprehensive plan amendment shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this major comprehensive plan amendment. If revoked, all zoning and other entitlement changes approved that are associated with the Avalon Major Comprehensive Plan Amendment shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Major Comprehensive Plan Amendment due to noncompliance with any of the approved stipulations.
- e. The master developer shall be responsible for the construction of all public and private on-site roads within the Avalon development. Further, the Avalon homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and public facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.

- f. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- g. Not less than 52.3 acres shall be reserved for recreational open space.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. The Developer (Applicant) shall provide a Traffic Impact Study (TIS.) The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning (rezoning) and/or final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT approved TIS.
 - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct certain off-site street improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternative agreement as approved by MCDOT.
 - 3. If required per item #2 above, a Development Agreement shall be executed prior to any zoning or preliminary plat approval. The Development agreement shall be an enforceable contract, regardless of annexation.
 - 4. The Developer shall provide the ultimate half-width of right-of-way for all public roadways as follows:
 - a. Olive Avenue: 70 feet.
 - b. Citrus Road: 65 feet.
 - c. Northern Avenue: 100 feet.
 - 5. The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways.) Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways.) Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate dual left turn lanes, including reverse curves.

6. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. Where applicable, "half-width" construction must safely convey two directions of traffic until the ultimate roadway is constructed. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") The Developer shall relocate any "obstructions" (well sites, etc.) and/or provide additional right of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.
7. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item 2.
8. The Developer shall provide all-weather access to all parcels and lots.
9. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
10. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersection.
11. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation between uses within and adjacent to the site, by means in addition to the roadways system. Crossings of arterials at other than signalized intersections may be required to be grade separated.
12. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process (602) 506-8797 to initiate the SLID process.
13. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
15. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)

- i. The following Maricopa County Parks and Recreation Department stipulation shall apply:
- At the time each residential building permit is issued, Two-hundred fifty dollars (\$250) per residential unit will be paid by the developer, to a Parks Enhancement Fund for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Avalon residents. Details regarding this assessment are to be addressed in the development agreement.
- j. The following Maricopa County Library District stipulation shall apply:
- At the time each residential building permit is issued, the applicant shall make a \$596.00 quality of life assessment to the Maricopa County Library District, for the purposes of future library service needs.
- k. The following Luke Air Force Base (LAFB) stipulation shall apply:
- The master developer shall notify future homeowners that they are located within the territory of a military airport with the following language:
- “You are buying a home or property in the territory of a military airport. You will be subject to high noise and approximately 165 overflights per day, with some as low as 1,500 feet above the ground.
- Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.
- Luke Air Force Base’s normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.
- For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department.”
- Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.
- l. The following Maricopa County Sheriff’s Office (MCSO) stipulation shall apply:

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Within twelve months of completion of the first model home complex, the master developer shall enter into an annual development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO) to provide law enforcement services to Avalon and surrounding areas.

This development and Law Enforcement Services agreement shall include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share of Law Enforcement Reimbursement Costs and charges to include Personnel Services, Supplies and Rent, Police Communications and Information, Vehicles and Equipment, One time Costs, and Indirect Costs for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Non of the Law Enforcement Reimbursement Costs and Charges are refundable, for any reason, including annexation.

This stipulation shall be modified should a Sheriff's Office Impact Fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer; furthermore, the development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

- m. The following Flood Control District of Maricopa County (FCD) stipulations shall apply prior to Final Plat approval:
1. The effective floodplain and floodway limits need to be shown on both the final plat and the grading plan.
 2. The electronic HEC-RAS files for hydraulic calculations need to be provided.
 3. Calculations for the lowest floor elevation for the lots within the floodplain are needed.
 4. The lowest floor elevation for the lots within the floodplain must be shown on the grading plan.
 5. The lowest floor elevations for all lots within the floodplain must be two (2) feet above the 100-year water surface elevation. If this area is to be removed by a Letter of Map Revision (LOMR,) then a Conditional Letter of Map Revision (CLOMR) will be needed. A LOMR will be required prior to the final approval of the built infrastructure if a CLOMR was issued by Federal Emergency Management Agency (FEMA.)
 6. A note shall be added to the Final Plat listing the lots located within the floodplain. In addition, the note needs to state that until a LOMR is approved by the Federal Emergency Management Agency (FEMA,) the finished floor will be need to be elevated to the Regulatory Flood Elevation and that flood insurance will be required.

Darren Gerard reported on this Comprehensive Plan Amendment to change the land use designation on 447 acres of large lot residential use. There is no known opposition. Stipulation "g" was modified by the Planning Committee to correct a typo. Maximum density will be one unit per acre. Recommendation is for approval.

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Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "m", signifying this approval is by resolution and includes the revision to stipulation "g" given below:

RESOLUTION OF AMENDMENT

**Maricopa County Board of Supervisors
Eye to the Future 2020, Maricopa County Comprehensive Plan
Resolution Amending the Maricopa County Comprehensive Plan
Case Number: CPA 200702
Avalon**

BE IT RESOLVED by the Maricopa County Board of Supervisors as follows:

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

WHEREAS, Case number CPA200702 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

NOW, THEREFORE BE IT RESOLVED that the comprehensive plan amendment application for case number CPA200702, is hereby approved.

DATED this 17th day of October 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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3. **Z2006-063 District 1**
 Applicant: A & S Engineering, Inc. for Circle K Properties, Inc. and Alkhafaji Khulood/Riyadh Tr.
 Location: Southeast corner of Arizona Avenue and Riggs Road (in the south Chandler area
 Request: Zone Change from IND-1 to C-1 with a precise Plan of Development
 (approximately 1.53 acres) – Circle “K”

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-063, subject to stipulations “a” through “s”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled “Circle K Stores”, consisting of one (1) full-size sheet, dated (revised) July 5, 2007, and stamped received July 13, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Rezone from IND-2 to C-1 Z2006063”, consisting of three (3) pages, dated (revised) June 8, 2007, and stamped received August 20, 2007 except as modified by the following stipulations.
- c. Development of the site shall comply with the landscape plan entitled “Circle K Stores”, consisting of two (2) full-size sheets, dated (revised) August 15, 2007, and stamped received August 23, 2007, except as modified by the following stipulations.
- d. Development of the site shall comply with the elevations plan entitled “Circle K Stores Elevations” consisting of three (3) full-size sheets, dated (revised) July 08, 2007, and stamped received July 13, 2007, except as modified by the following stipulations.
- e. A Planned Development (PD) overlay Zoning District shall be added to this site.
- f. The following Maricopa County Drainage Review shall be met prior to the issuance of building permits for the site:
 - Weighted C value calculations shall be provided.
 - Volume calculations shall be provided.
- g. The following Maricopa County Department of Transportation (MCDOT) shall be met:
 - Provide a total half-width of 70' right-of-way on Riggs Road.
 - Ultimate half-width improvements with pavement, curb, gutter, and sidewalk on Riggs Road.
- h. All trees shall be double-staked when installed.
- i. The following Arizona Department of Transportation (ADOT) stipulations shall be met as deemed acceptable by ADOT prior to the issuance of building permits for the site:
 - The developer shall acquire a permit from ADOT to access SR-87 (Arizona Ave.).

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- There shall be no obstructions of the drainage located in the area.
 - There shall be no encroachments onto ADOT right-of-way.
- j. A continuous parapet shall screen all roof-mounted equipment.
- k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened.
- l. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- m. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- n. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- o. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- p. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- q. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- s. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the background for this rezoning case. There is no known public opposition and the recommendation is for approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation by the Planning Commission for approval with stipulations "a" through "s."

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MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board